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GOVERNMENT OF GOA

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NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 9 dated 27-5-2010, as follows:—

(1) Extraordinary dated 31-5-2010 from pages 319 to 320 regarding date of effect to the Goa Co-operative Societies (Amendment) Act, 2010 and The Goa Administrative Tribunal (Appointment, Conditions of Service of President and Additional President) Rules, 2010.

(2) Extraordinary (No. 2) dated 1-6-2010 from pages 321 to 326 regarding The Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010.

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GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

NATIONAL AGRICULTURAL INSURANCE SCHEME

(RASHTRIYA KRISHI BIMA YOJANA)

KHARIF SEASON 2010

Order

3/4/P&E/STAT/17/D.Agri/2010-11

Read: 1. Letter No. 13011/04/2004-Credit-II dated 8-3-2010 from Government of India, Ministry of Agriculture, Department of Agriculture & Co-operation, New Delhi.

The New National Agricultural Insurance Scheme (NAIS) is being implemented from Rabi 1999-2000 season. The State Government is also implementing this Scheme in the State of Goa from the Rabi 1999-2000 season at the taluka level in collaboration with Agriculture Insurance Company of India Ltd. (AIC). The Scheme will be continued during Kharif 2010-11 season.

1. That, the Scheme would broadly cover Paddy, Pulses and Groundnut crops at the taluka level with unit of Insurance as Taluka for Paddy and Groundnut. The following crops and areas are hereby notified to be covered under this Scheme for Kharif 2010 season.

Sr. No.	Notified Crops	Notified Talukas	Remarks
1.	Paddy	Pernem, Satari, Bicholim, Bardez, Tiswadi, Ponda, Quepem, Sanguem, Canacona, Salcete and Mormugao.	Each group of talukas will be considered as one unit for crop cutting experiments.
2.	Pulses	1. Bardez and Pernem 2. Bicholim and Satari 3. Ponda and Tiswadi 4. Sanguem, Quepem and Canacona	Each group of talukas will be considered as one unit for crop cutting experiments.
3.	Groundnut	1. Pernem, Bicholim and Bardez	The group of three talukas will be considered as one unit for crop cutting experiments.

2. That, the premium rate for Kharif 2010 season would be 2.20% for Paddy, 2.50% for Pulses and 3.50% for Groundnut crops of the sum insured or the actuarial rate whichever is less.

3. That under the Scheme, insurance coverage is compulsory for all loanee farmers availing Seasonal Agricultural Operations (SAO) loans from Financial Institutions for notified crops in notified areas upto the full loan amount. Additional coverage under the Scheme is also available (at the option of farmer), beyond the loan amount upto the value of 150% of average yield (Average yield of the State is based on yield of past 3 years in case of paddy and past 5 years in case of Pulses and Groundnut crops). The maximum value of additional coverage is equivalent to State Average Yield multiplied by Minimum Support Price (MSP) announced by the Government of India or the Market Price (MP) where MSPs are not announced in the last season/year.

4. That for loanee farmers, in such cases where amount of crop loan availed works out to be more than either the value of threshold yield or 150% of average yield, normal premium rates (lowest of flat rates or actuarial rates) shall be applicable on the full amount of loan availed, as full amount of loan is to be compulsorily insured. The crop-wise levels of indemnity, limits of sum insured and applicable premium rates in the State are given below:—

Notified Crops	Level of Indemnity	Normal Coverage per ha. (upto value of T.Y. value)		Additional Coverage per ha. (beyond T.Y. and upto 150% of A.Y.)		Total (per ha.)
		Sum Insured (Rs.)	Normal Premium Rate (in %)	Sum Insured upto (Rs.)	Actuarial Pre- mium Rate (in %)	Sum Insured (Rs.)
Paddy	80%	24746	2.20	21652	2.20	46398
Pulses	60%	11296	2.50	16943	7.85	28239
Groundnut	80%	27905	3.50	24417	9.05	52322

5. That coverage is also available for all non-loanee farmers on optional basis. The sum insured in case of non-loanee farmer is calculated on the basis of value of T. Y. i.e. Threshold Yield multiplied by MSP and it can be extended to the value of 150% of Average Yield.

6. The Financial Institutions shall compulsorily cover all crop loans disbursed for notified crops through Kisan Credit Cards and banks shall maintain necessary registers and control for smooth and effective coverage of loan.

In case the total amount of loan for particular crop withdrawn through KCC during the season exceed the sub-limit fixed for the crop then the sum insured shall be limited to the sub-limit fixed for such crop in the KCC. The KCC sub-limit for consumption, medium term loans, allied activities and uninsurable crop loans are not eligible for coverage. The Banks shall ensure the following while giving loans through KCC.

(a) The "Credit Appraisal Form" received from the farmer by the bank for issuance of KCC, contains detailed information with regard to the extent of land holding, crops grown, etc. the banks should have no problem in specifying the credit limits for each crop separately. These limits shall also be furnished separately for Kharif and Rabi seasons as also crop-wise in the KCC.

(b) The farmers while withdrawing money on KCC, shall mention the crop-wise quantum of amount availed (on pay slip) in order that the bank shall note down crop-wise particulars vis-à-vis credit limit approved. The details given by the farmers at the time of withdrawal shall form the basis for coverage under NAIS.

(c) As the KCC provides for revolving credit, a farmer can withdraw and repay any number of times during the year. This revolving credit may therefore tempt a farmer to go for cyclical withdrawal and repayment during adverse crop season and thus insure his crop for a high sum insured. However, if a farmer is going for higher sum insured (beyond the value of T.Y.) as provided in the Scheme, then he will have to do so at the beginning of the season and the cut-off date will be the one applicable for non-loanee farmers.

(d) It is requested to submit separate Declarations for loanee farmers covered under KCC.

7. For loaning and acceptance of Declarations by AIC for loanee farmers.

For acceptance of proposals by Branches/PACs and receipt of Declarations by AIC will be as under:—

State: Goa					Kharif 2010
Crops Covered	LOANEE FARMERS		NON-LOANEE FARMERS		Cut-off date for submission of yield data to AIC
	Loaning period	Final cut-off date for receipt of Declarations by AIC	Cut-off date for receipt of proposals by Branches/PACs	Cut-off date for receipt of Declarations by AIC	
Paddy, Pulses & Groundnut	April, 2010-May, 2010-June, 2010	31st July, 2010	One month from date of planting of crop or 31st July, 2010	Within one month from cut-off date i.e. 31-8-2010	January, 2011 for Paddy, Pulses and Groundnut
	July, 2010	31st August, 2010			
	August, 2010	30th September, 2010			
	September, 2010	31st October, 2010			
	Final	30th November, 2010			

If loanee farmer wishes to adopt the higher level of sum insured, he shall be treated as non-loanee farmer and he shall adhere to cut-off date pertaining to non-loanee farmers. He is also required to fill up separate proposal form opting for higher sum insured.

8. That, the FI's shall extend additional loan above the scale of finance towards premium. The FI's shall submit consolidated crop insurance Declarations separately for each crop and each notified area on monthly basis through the designated nodal offices as per the cut-off dates prescribed.

9. That, the FI's shall also receive individual proposals from non-loanee farmers seeking coverage, scrutinize the proposals, accept premium, consolidate the proposals and route them through their designated nodal offices within their service area as per the cut-off dates prescribed. All non-loanee farmers seeking coverage shall operate a bank account with the bank branch.

10. That, separate Declaration format as per the prescribed proforma, are to be used for loanee and non-loanee farmers.

11. Loanee farmers seeking additional coverage over the loan amount shall be offered coverage subject to observing the cut-off dates as applicable to non-loanee farmers.

12. That, premium by the nodal banks shall be remitted by way of a single demand draft/ /instrument for a particular lot of Declarations. However, separate instruments shall be drawn for loanee and non-loanee farmers.

13. That, guidelines in regard to crop loans, issued by RBI/NABARD shall be complied with by the FI's.

14. That, the Nodal banks shall ensure coverage of all crop loans and shall obtain full and accurate particulars from all the FI's within their jurisdiction. They must also ensure coverage of proposals received from all non-loanee farmers within their jurisdiction. The FI's shall only be liable/responsible for all omissions/commissions/errors committed by them.

15. That small and marginal farmers shall be provided 20% subsidy on premium rate to be shared by the State and Central Government on 15% by State Government and 5% by Government of India. For the purpose of subsidy to small and marginal farmers under the above-mentioned Insurance Scheme, the definition of the small and marginal farmers shall be the same as accepted by the Government for the Integrated Rural Development Programme. The additional State

subsidy on premium is provided as per the approval of State Government vide U. O. No. 4678 dated 8-10-2002.

16. Correct premium rates shall be ascertained from the table given above and premium computation (sum insured x premium rate) shall be done accurately. In respect of small and marginal farmers only net premium need to be remitted. Remission of excess premium shall not entitle for increase in sum insured/liability at a later date.

17. Declaration received after the prescribed cut-off dates shall be summarily rejected and the responsibility/liability for such proposals rests with the Nodal banks/FI's.

18. Indemnity Claims under NAIS will be settled on the basis of 16 Crop Cutting Experiments conducted at taluka level. The claims shall be settled solely on the basis of yield data furnished by the Directorate of Agriculture arrived at through Crop Cutting Experiments (CCE's) conducted by the State Government under GCES and not on any basis such as Paisewari, declaration of famine/ /drought/flood by any Government departments/agency. Also all insured farmers in the State of Goa will be eligible for assessment of loss for individual farmers case of localized calamities namely floods, cyclones, land slides and hail storms on the basis of the evaluation and report of the Zonal Agricultural Officer and/or Agriculture Insurance Company. Farmers need to intimate the crop loss to AIC of India through Government/Banks within 48 hrs. from the occurrence of notified calamity.

19. The Director of Agriculture, Government of Goa, Tonca, Caranzalem, Goa shall monitor and co-ordinate the implementation of the Scheme with the help of the District Level Monitoring Committee. The said Committee shall assist the Implementing Agency i.e. AIC Delhi to assess extent of losses due to localized perils such as hailstorms, landslide, cyclone and flood. The Director of Agriculture, Government of Goa shall make arrangements to furnish the crop data to the Implementing Agency within the time schedule fixed.

By order and in the name of the Governor of Goa.

Satish S. P. Tendulkar, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 28th May, 2010.

Order

3/4/P&E/STAT/NAIS/6/D.Agri/2010-11

Read: 1. Letter No. 13011/04/2004-Credit-II dated 8-3-2010 from Government of India, Ministry of Agriculture, Department of Agriculture & Co-operation, New Delhi.

The New National Agricultural Insurance Scheme (NAIS) is being implemented from Rabi 1999-2000 season. The State Government is also implementing this Scheme in the State of Goa from the Rabi 1999-2000 season at the taluka level in collaboration with Agriculture Insurance Company of India Ltd. (AIC). The Scheme will be continued during 2010-11.

1. That, the Scheme would broadly cover Paddy, Pulses, Groundnut and Sugarcane crops at the taluka level with unit of Insurance as taluka. The crops like Paddy, Pulses and Groundnut are notified on seasonable basis, whereas the Sugarcane being annual crop, it is hereby notified on annual basis in the following talukas during the year 2010-11.

Sr. No.	Notified Taluka	Notified Crops	Remarks
1.	Satari	Sugarcane	Each taluka will be considered as one unit for crop cutting experiments.
2.	Sanguem	Sugarcane	
3.	Quepem	Sugarcane	
4.	Pernem	Sugarcane	Four talukas will be considered as one unit for crop cutting experiments.
5.	Bicholim	Sugarcane	
6.	Ponda	Sugarcane	
7.	Canacona	Sugarcane	

2. That, the premium rate for 2010-11 would be 0.70% of the sum insured.

3. That under the Scheme, insurance coverage is compulsory for all loanee farmers availing Seasonal Agricultural Operations (SAO) loans from Financial Institutions for notified crops in notified areas upto the full loan amount. Additional coverage under the Scheme is also available (at the option of farmer), beyond the loan amount upto the value of 150% of average yield (Average yield of the State based on yield of past 5 years).

The maximum value of additional coverage is equivalent to State average yield multiplied by Minimum Support Price (MSP) announced by the Government of India or the Market Price (MP) where MSPs are not announced in the last season/year.

4. That for loanee farmers, in such cases where amount of crop loan availed works out to be more than either the value of threshold yield or 150% of average yield, normal premium rates (lowest of flat rates or actuarial rates) shall be applicable on the full amount of loan availed, as full amount of loan is to be compulsorily insured. The crop-wise levels of indemnity, limits of sum insured and applicable premium rates in the State are given below:—

Notified Crops	Level of Indemnity	Normal Coverage per ha. (upto value of T. Y.)		Additional Coverage per ha. (beyond T.Y. and upto 150% of A. Y.)		Total (per ha.)
		Sum Insured (Rs.)	Normal Premium Rate (in %)	Sum Insured (Rs.)	Actuarial Pre- mium Rate (in %)	Sum Insured (Rs.)
Sugarcane	80%	52590	0.70	46017	0.07	98607

5. That coverage is also available for all non-loanee farmers on optional basis. The sum insured in case of non-loanee farmer is calculated on the basis of value of T. Y. i.e. Threshold Yield multiplied by MSP and it can be extended to the value of 150% of Average Yield. The details are given above.

6. The Financial Institutions shall compulsorily cover all crop loans disbursed for notified crops through Kisan Credit Cards (KCC) and banks shall maintain necessary registers and control for smooth and effective coverage of loan.

In case the total amount of loan for particular crop withdrawn through KCC during the season exceeds the sub-limit fixed for the crop then the sum insured shall be limited to the sub-limit fixed for such crop in the KCC. The KCC sub-limit for consumption, medium term loans, allied activities and uninsurable crop loans are not eligible for coverage.

The Banks shall ensure the following while giving loans through KCC.

(a) The "Credit Appraisal Form" received from the farmer by the Bank for issuance of KCC, contains detailed information with regard to the extent of land holding, crops grown, etc. the Banks should have no problem in specifying the credit limits for each crop separately. These limits shall also be furnished separately for Kharif and Rabi seasons as also crop-wise in the KCC.

(b) The farmers while withdrawing money on KCC, shall mention the crop-wise quantum of amount availed (on pay slip) in order that the Bank shall note down crop-wise particulars vis-à-vis credit limit approved. The details given by the farmers at the time of withdrawal shall form the basis for coverage under NAIS.

(c) As the KCC provides for revolving credit, a farmer can withdraw and repay any number of times during the year. This revolving credit may therefore tempt a farmer to go for cyclical withdrawal and repayment during adverse crop season and thus insure his crop for a high sum insured. However, if a farmer is going for higher sum insured (beyond the value of T.Y.) as provided in the Scheme, then he will have to do so at the beginning of the season and the cut-off date will be the one applicable for non-loanee farmers.

(d) It is requested to submit separate Declarations for loanee farmers covered under KCC.

7. For loaning and acceptance of Declarations by AIC for loanee farmers.

For acceptance of proposals by Branches/PACs and receipt of Declarations by AIC will be as under:-

State: Goa			2010-11		
Crops Covered	LOANEE FARMERS		NON-LOANEE FARMERS		
	Loaning period	Final cut-off date for receipt of Declarations by AIC	Cut-off date for receipt of proposals by Branches/PACs	Cut-off date for receipt of Declarations by AIC	Cut-off date for submission of yield data to AIC
Sugar-cane	Aug.-2010	30th September, 2010	Within one month from date of planting of crop or 31st March, 2011	Within one month from cut-off date	Sep.-2011
	Sep.-2010	31st October, 2010			
	Oct.-2010	30th November, 2010			
	Nov.-2010	31st December, 2010			
	Dec.-2010	31st January, 2011			
	Jan.-2011	28th February, 2011			
	Feb.-2011	31st March, 2011			
	Mar.-2011	31st May, 2011			

If loanee farmer wishes to adopt the higher level of sum insured, he shall be treated as non-loanee farmer and he shall adhere to cut-off date pertaining to non-loanee farmers. He is also required to fill up separate proposal form opting for higher sum insured.

8. That, the FI's shall extend additional loan above the scale of finance towards premium. The FI's shall submit consolidated crop insurance Declarations separately for each crop and each notified area on monthly basis through the designated nodal offices as per the cut-off dates prescribed.

9. That, the FI's shall also receive individual proposals from non-loanee farmers seeking coverage, scrutinize the proposals, accept premium, consolidate the proposals and route them through their designated nodal offices within their service area as per the cut-off dates prescribed. All non-loanee farmers seeking coverage shall operate a bank account with the bank branch.

10. That, separate Declaration format as per the prescribed Proforma, are to be used for loanee and non-loanee farmers.

11. Loanee farmers seeking additional coverage over the loan amount shall be offered coverage subject to observing the cut-off dates as applicable to non-loanee farmers.

12. That, premium by the Nodal banks shall be remitted by way of a single demand draft/ /instrument for a particular lot of Declarations. However, separate instruments shall be drawn for loanee and non-loanee farmers.

13. That, guidelines in regard to crop loans, issued by RBI/NABARD shall be complied with by the FI's.

14. That, the Nodal banks shall ensure coverage of all crop loans and shall obtain full and accurate particulars from all the FI's within their jurisdiction. They must also ensure coverage of proposals received from all non-loanee farmers within their jurisdiction. The FI's shall only be liable/ /responsible for all omissions/commissions/ /errors committed by them.

15. That small and marginal farmers shall be provided 20% subsidy on premium rate to be shared by the State and Central Government (15% by State Government and 5% by Government of India). For the purpose of subsidy to small and marginal farmers under the above-mentioned Insurance Scheme, the definition of the small and marginal farmers shall be the same as accepted by the Government for the Integrated Rural Development Programme. The additional State subsidy on premium is provided as per the approval of State Government vide U. O. No. 4678 dated 8-10-2002.

16. Correct premium rates shall be ascertained from the table given above and premium computation (sum insured x premium rate) shall be done accurately. In respect of small and marginal farmers only net premium need to be remitted. Remission of excess premium shall not entitle for increase in sum insured/liability at a later date.

17. Declaration received after the prescribed cut-off dates shall be summarily rejected and the responsibility/liability for such proposals rests with the Nodal banks/FIS.

18. Indemnity Claims under NAIS will be settled only on the basis on the yield data furnished by the State Government based on requisite number of Crop Cutting Experiments (CCEs) conducted under general Crop Estimation Survey and also all insured farmers in the State of Goa will be eligible for assessment of loss for individual farmers in case of localized calamities namely floods, cyclones, land slides and hailstorms on the basis of the evaluation and report of the Zonal Agricultural Officer and/or Agriculture Insurance Company.

19. The Director of Agriculture, Government of Goa, Tonca, Caranzalem-Goa shall monitor and co-ordinate the implementation of the Scheme with the help of the District Level Monitoring Committee. The said Committee shall assist the Implementing Agency i.e. AIC Delhi to assess extent of losses due to localized perils such as hailstorms, landslide, cyclone and flood. The Director of Agriculture, Panaji shall make arrangements to furnish the crop data to the Implementing Agency within the time schedule fixed.

By order and in the name of the
Governor of Goa.

Satish S. P. Tendulkar, Director & ex officio
Joint Secretary (Agriculture).

Tonca-Caranzalem, 28th May, 2010.

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Department of Animal Husbandry
Directorate of Animal Husbandry & Veterinary Services

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Notification

15-31-08-09/Part

In exercise of the powers conferred by sub-section (2) of section 1 of the Goa Animal Preservation (Amendment) Act, 2010, (Goa

Act 7 of 2010) (hereinafter called the “said Act”), the Government of Goa hereby appoints 4th day of June, 2010 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Goa.

P. K. Patidar, Director & ex officio Joint Secretary (Animal Husb. & Vety. Services).

Panaji, 2nd June, 2010.

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Department of Finance

Revenue & Control Division

Office of the Commissioner of Commercial Taxes

Order

CCT/15-1/2010-11/03

Read: (1) Government Notification No. 4/5/2005-Fin(R&C)(13) dated 31-3-2005 published in the Official Gazette Series I No. 53, Extraordinary No. 4 dated 31-3-2005.

(2) Government Notification No. 4/5/2005-Fin(R&C)(24) dated 23-9-2005 published in the Official Gazette Series I No. 25, Extraordinary No. 2 dated 23-9-2005.

(3) Government Notification No. 4/5/2005-Fin(R&C)(75) dated 15-3-2010 published in the Official Gazette Series I No. 50, Extraordinary dated 15-3-2010.

In exercise of the powers conferred by clauses 4 and 5 of the Goa Value Added Tax Deferment-cum-Net Present Value Compulsory Payment (Second Amendment) Scheme, 2010 (hereinafter referred to as the “said scheme”) read with sub-section (5) of section 13 of the Goa Value Added Tax Act, 2005 and all the other powers enabling it in this behalf, the Commissioner of Commercial Taxes, hereby delegates to the below mentioned Commercial Tax Officers all the powers conferred upon the Commissioner under the above referred clauses of the said scheme subject to the conditions mentioned in this order. Their jurisdiction for disposal of applications received under the scheme shall be as under:—

Name of the Commercial Tax Officer-in-charge of the ward	Jurisdiction for disposal of application relating to dealers having registration with the concerned ward
1. Shri Harish Adconkar	Panaji Ward
2. Shri Santosh Kundaikar	Margao Ward
3. Shri Umakant Korkankar	Ponda Ward
4. Smt. Sarita Marathe	Mapusa Ward
5. Shri Diogo Fernandes	Vasco-da-Gama Ward
6. Smt. Maria Christina Verella	Bicholim Ward
7. Smt. Violet Gomes	Curchorem Ward

While issuing the Acknowledgment-cum-order in Form V and certifying therein the fresh entitlement or rejecting their declarations, they shall follow the below mentioned guidelines:—

1. The declarations in Form-IV submitted by the dealers for benefit of the said scheme shall be compared with the records maintained by the Ward Offices and the applications shall be thoroughly verified, the dates mentioned therein shall be properly ascertained before allowing the exemptions and issuing the necessary orders.

2. They shall ensure that the registration certificate of the dealers is live and valid. Wherever, the entitlement under the previous scheme is in dispute or in appeal as regards its entitlement under the original scheme, no acknowledgment shall be issued and such matters shall be referred to the Commissioner for decision.

3. The Acknowledgment-cum-orders in Form V, are required to be issued to the applicants immediately whose declarations are in order and who have fulfilled their requirements as provided in the said scheme and the copies of such orders shall be endorsed to this office.

4. It shall be ensured that the declaration furnished by the dealer is factually correct and that he is actually entitled for the exemption. In case of any deficiency, a “deficiency memo” be issued to the applicant calling for a compliance within 30 days and in the event of non-compliance or if the details furnished are proved to be incorrect, then an “order” be

made disallowing the benefits under the Scheme, after giving the applicant an opportunity of hearing.

5. While scrutinizing the applications, the provisions of entries 68 and 85 of the Second Schedule appended to the Goa Sales Tax Act, 1964 and Notifications issued under Section 8(5) of the Central Sales Tax Act, 1956 be strictly adhered to.

6. The entire process of scrutiny and the issue of the acknowledgment-cum-orders or its rejection should be completed latest by 30-07-2010. However, in all those cases where applications have already been received and where their exemptions has already expired, it is expedient that such cases should be taken up on priority and finalized latest by 15-06-2010. Nevertheless all the other balance cases should invariably be finalized not later than 30-07-2010, as directed above.

7. While indicating the date of actual period of entitlement on the acknowledgement-cum-orders i.e. either one or two years, as per the Scheme, the date of commencement of the additional period shall be indicated uniformly as from 1st of July of 2010, for all the cases where their exemptions have already expired or will expire by the 30th of June, 2010. In all other cases, where the exemptions will expire, subsequently, it will be the next day or the date the relevant exemption expires under the earlier scheme and the same shall be recorded accordingly. All cases disposed off shall be hosted on the Website and also invariably be communicated to the applicant well in advance either electronically or otherwise.

Sandip Jacques, Commissioner of Commercial Taxes.

Panaji, 28th May, 2010.



Department of Industries



Notification

3/20/2010-IND

Whereas vide Notification No. 3/40/2003-IND(Part) dated 31-12-2008, published in the Official Gazette, Series I No. 42 dated 15-1-2009, the Government of Goa notified the "Incentives to Encourage Consumption of Local Raw Material Scheme, 2008."

And whereas, the Government of Goa deems it expedient to amend the said scheme, as follows:—

1. *Short title and commencement.*— (1) This Scheme may be called the "Incentives to Encourage Consumption of Local Raw Material (Amendment) Scheme, 2010".

(2) It shall come in force from the date of its publication in the Official Gazette.

2. *Amendment of clause 3.*— In clause 3 of the "Incentives to Encourage Consumption of Local Raw Material Scheme, 2008" (hereinafter referred to as the "principal Scheme"),—

(i) in sub-clause (1), the word "specified" shall be omitted;

(ii) in sub-clause (3), for item (b), the following item shall be substituted, namely:—

(b) Agricultural and marine produce, produced in the State of Goa. The beneficiary shall have to prove, by submitting documentary evidence; that the material has been locally produced".

3. *Substitution of new clause for clause 4.*— For clause 4 of the principal Scheme, the following clause shall be substituted, namely:—

"4. *Nature of Incentive.*— (1) Once a unit becomes eligible under this Scheme, following incentives shall be granted in proportion to the percentage of local raw material used for a period of five years from the date of first approval.

The unit consuming local raw material shall be considered for benefit as follows:—

The unit consuming local raw material below 50% of total raw material consumed by such unit shall not be considered for any benefit. The unit consuming local raw material from 50% to 60% of total raw material consumed, by such unit; shall be given benefit proportionately considering 50% consumption at zero level and 60% consumption at 100% level (units consuming more than 50% local raw material of its total raw material shall get benefit of 100%).

(2) The following benefits shall be given to the eligible units:—

(a) The eligible unit shall be considered for reimbursement to the extent of maximum of 90% Sales Tax paid by such unit and subject to quantum based (1) above. The maximum limit admissible to a unit will be Rs. 10.00 lakhs per annum and for a period of 5 years.

(b) The eligible unit shall be considered for incentives in the form of subsidy on power and water bills annually. 25% subsidy will be given to the eligible units on total expenditure incurred by the unit on power and water tariff subject to maximum Rs. 2.00 lakhs per annum and as per proportion indicated in (1) above”.

This has been issued with the concurrence of Finance (Exp.) Department vide their U. O. No. 1407838 dated 19-5-2010.

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Industries).

Porvorim, 21st May, 2010.



Department of Panchayati Raj and
Community Development

Directorate of Panchayats

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Notification

DP/PRIs/State-Awards/09/2531

The Government of Goa is hereby pleased to frame a Scheme for the grant of Awards to the best performing Village Panchayats on the basis of their annual performance as follows, namely:—

1. *Short title and commencement.*— (1) This Scheme may be called the Goa Panchayat Raj (Grant of Award to the best

performing Village Panchayats) Scheme, 2010.

2. *Purpose.*— The purpose of this scheme is to grant awards by way of special grants to the best performing Panchayats in the State of Goa on the occasion of the “Panchayati Raj Divas” which is being observed on the 24th of April every year.

3. *Amount of Grant.*— The amount of financial grant under this scheme that shall be awarded to the best performing Village Panchayats shall be as decided by the Government from time to time.

4. *Categories of Awards.*— There shall be three awards for each of the four different categories of Village Panchayats as under:—

“A” Class Panchayats	— 1st Award
(Three Awards)	— 2nd Award
	— 3rd Award

“B” Class Panchayats	— 1st Award
(Three Awards)	— 2nd Award
	— 3rd Award

“C” Class Panchayats	— 1st Award
(Three Awards)	— 2nd Award
	— 3rd Award

“D” Class Panchayats	— 1st Award
(Three Awards)	— 2nd Award
	— 3rd Award

5. *Assessment of Performance and selection of the best performing Panchayats.*— (1) The Block Development Officers shall assess the annual performance of every Village Panchayat under their jurisdiction as per the criteria prescribed hereinafter and submit the same to the Directorate of Panchayats by the 10th of January every year.

(2) The annual performance reports of all the Village Panchayats submitted by the Block Development Officers shall be placed before the Selection Committee, which shall be constituted as prescribed hereafter.

(3) The Selection Committee shall thereafter scrutinize the annual performance reports and select the three best performing Panchayats in each of the four different categories and declare the 12 awards on the basis of their overall performance assessed in accordance to the grading criteria prescribed hereinafter.

6. *Criteria for the Assessment of the Panchayats according to their performances.*— Every Block Development Officer shall submit the annual Performance Report of every Village Panchayat under his/her respective jurisdiction to the Directorate of Panchayats after assessment of the performance of the Panchayats. The assessment shall be made as per the proforma annexed to this scheme. The relevant marks shall be allotted to the Panchayats for the specific items as shown in the proforma according to their performance of the Panchayat during the period from 1st April to 31st March of the preceding financial year.

7. *Committee for selection of the best performing Panchayats.*— State level to scrutinize the performance reports of the Village Panchayats submitted by the Block Development Officers. The Committee shall consist of:—

- | | |
|-------------------------------|--------------------|
| 1. Secretary (Panchayats) | — Chairman |
| 2. Director of Panchayats | — Member Secretary |
| 3. Director of Health | — Member |
| 4. Director of Education | — Member |
| 5. Director of Social Welfare | — Member |
| 6. Director of Tribal Welfare | — Member |

- | | |
|---|----------|
| 7. Project Director of DRDA (North Goa) | — Member |
| 8. Project Director of DRDA (South Goa) | — Member |
| 9. Deputy Director of Panchayats (South Goa) | — Member |
| 10. Deputy Director of Panchayats (North Goa) | — Member |

8. *Provision of Funds.*— (1) The funds for awarding the grants under this Scheme shall be provided under the Budget Head:—

2515—Other Rural Development Programmes

003—Training

02— Training of Officials and non-Officials of V.P.'s (Plan)

50—Other Charges (Demand No. 31)

9. *Miscellaneous.*— (1) The Government may modify, alter, add or cancel any of the conditions of this scheme from time to time.

(2) This Scheme supersedes the earlier Scheme called "Grant of Awards to the Village Panchayats on the basis of their annual performance" and shall come into force w.e.f. the financial year 2009-10.

By order and in the name of the Governor of Goa.

Menino D'Souza, Director of Panchayats & ex officio Jt. Secretary.

Panaji, 23rd April, 2010.

Department of Revenue

Notification

16-11-2009/RD(PART)

Whereas, certain draft rules to amend the Goa, Daman and Diu Land Revenue (Record of Rights and Register of Cultivators) Rules, 1969, were published as required by sub-section (3) of section 199 of the Goa Land Revenue Code, 1968 (Act 9 of 1969), in the Official Gazette Series I No. 6 dated 6-5-2010 under Notification No. 16-11-2009/RD(PART) dated 30-4-2010 of the Revenue Department, inviting objections and suggestions from all the persons likely to be affected thereby within fifteen days from the date of publication of the said Notification in the Official Gazette.

And Whereas, the said Gazette was made available to the public on 6-5-2010;

And Whereas, no objections and/or suggestions have been received from the public on the said Rules by the Government within the said period.

Now, Therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 199 of the Goa Land Revenue Code, 1968 (Act 9 of 1969) and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Land Revenue (Record of Rights and Register of Cultivators) Rules, 1969, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Land Revenue (Record of Rights and Register of Cultivators) (Amendment) Rules, 2010.

(2) They shall come into force at once.

2. Amendment of Rule 4.— In rule 4 of the Goa, Daman and Diu Land Revenue (Record of Rights and Register of Cultivators) Rules, 1969 (hereinafter referred to as the "Principal Rules"),—

(i) In the first proviso, for the word "Talathi", the words "Mamlatdar of Taluka" shall be substituted;

(ii) second and third provisos shall be omitted;

(iii) for Explanation III, the following Explanation shall be substituted, namely:—

"Explanation III.— For the purpose of Chapter VIII of the Goa Land Revenue Code, 1968, the term "Mamlatdar of Taluka" includes Joint Mamlatdar and in case of City Survey Records, the Inspector of Surveys and Land Records".

3. Amendment of rule 9.— In rule 9 of the principal Rules,—

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) Any person acquiring any right of land as mentioned in Section 96 of the Code shall report his acquisition of such right to the Mamlatdar of Taluka alongwith the documents concerning acquisition of rights and detailed address of the persons interested in such land. The Mamlatdar of Taluka or the official authorized by him in this behalf shall at once give endorsement for receipt of such reports and enter the Mutation in the Mutation register maintained in Form IX hereto.";

(ii) in sub-rules (2) and (3), for the word "talathi", wherever it occurs, the words "Mamlatdar of Taluka" shall be substituted;

(iii) in sub-rule (4), for the expression "talathi receives from the Mamlatdar", the expression "Mamlatdar receives from" shall be substituted.

4. Substitution of rule 10.— For rule 10 of the principal Rules, the following shall be substituted, namely:—

"10. Notice of Mutation.— (1) The Mamlatdar of Taluka shall scrutinize report

received under rule 9 within seven days from the date of receipt of same and issue notice in Form X hereto to the persons interested in lands. One copy of the Notice in Form X shall be displayed on the Notice Board of the Mamlatdar's Office:

Provided that no such notice is required for carrying out mutation where,—

(i) the persons interested in land appear before the Mamlatdar and give their no objection for carrying out mutation by an affidavit;

(ii) Land is acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894);

(iii) Right to the land is acquired under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) and the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1976 (Act 1 of 1976);

(iv) Orders have been passed by the Collector under Section 61 or Section 103 of the Code:

Provided further that such Notice shall be issued to all co-owners of land where mutation sought involves land that is not partitioned and held in common by all co-owners.

(2) Mamlatdar may permit to effect service of Notice by the applicant by way of registered Post AD or by courier service as may be approved by the Collector. Where the Mamlatdar is satisfied that for any reason the summons cannot be served in the ordinary way, the Mamlatdar shall order the notice to be served by an advertisement in a newspaper circulating in locality."

5. *Substitution of rule 11.* — For rule 11 of the principal Rules, the following shall be substituted, namely:—

"11. *Objections.* — (1) Upon receipt of any objection against carrying out the

Mutation as applied for, the Mamlatdar of Taluka shall enter each objection in a register of disputed cases maintained in Form V hereto.

(2) The Mamlatdar shall issue a notice in Form XII hereto to all the persons who have objected for carrying out mutation. The Mamlatdar shall decide objections within a period of three months after hearing all parties. He shall also record in Column 4 of the mutation register the order passed by him, under his signature."

6. *Substitution of rule 12.*— For rule 12 of the principal Rules, the following shall be substituted, namely:—

"12. *Disposal of mutation application.*— In case all the notices are served to the persons interested in land and there is no objection for carrying out mutation, the Mamlatdar shall proceed to dispose of the application for mutation."

7. *Substitution of rule 13.*— For rule 13 of the principal Rules, the following shall be substituted, namely:—

"13. In case the Mamlatdar decides to certify the mutation entry, he shall make an endorsement under his signature in Column 4 of mutation register maintained in Form IX, to the effect that the mutation entry as modified by him is certified by him."

8. *Substitution of rule 14.*— For rule 14 of the principal Rules, the following shall be substituted, namely:—

"14. *Giving effect to the certified entries in mutation register in the record of rights.*— Immediately after the mutation entry is certified under rule 13, the Mamlatdar of Taluka shall give effect to the mutation entry as certified in the record of rights on payment of fees as mentioned in section 96 of the Code."

9. *Insertion of new rule 14A.*— After rule 14 of the principal Rules, the following rule shall be inserted, namely:—

“14A. *Maintenance of Record of Rights.*— Record of Rights shall be maintained in Form I alongwith survey plan indicating boundary of each survey number or as the case may be, sub-division of a survey number in Form XV hereto by either the Survey Officer or the Revenue Officer”.

10. *Omission of Forms VIII and XI.*— Forms VIII and XI of the principal Rules shall be omitted.

11. *Substitution of Forms V, X, XII.*— For Forms V, X and XII of the principal Rules, the following Form shall be substituted, namely:—

‘Forms V, X and XII’ attached.

12. *Insertion of new Form XV.* — After Form XIV of the principal Rules, the following Form shall be inserted, namely:—

‘Form XV’ attached.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Revenue-I).

Porvorim, 1st June, 2010.

FORM V

[See Rule 11 (1)]

Register of Disputed Cases

Serial No.	Serial No. in mutation Register	Survey No. and Sub-Division No. or name of the field	Date of Receipt of objection	Particulars of disputes with name	Order of the Officer
1	2	3	4	5	6

FORM X

[See Rule 10 (1)]

Whereas an entry has been made in the register of mutation of the Village Taluka regarding the acquisition of rights in land as specified below from the said village:

Serial number of entry in Mutation register	Nature of rights acquired	Name of the field or survey number and sub-division number in which the rights have been acquired
---	---------------------------	---

And whereas it appears to me that you are interested in the said mutation entry:

Now, therefore, you are hereby given notice of the said mutation entry and you are called upon to submit to me either orally or in writing within fifteen days from the day of receipt of the notice, your objection, if any, to the said mutation entry. Please note that if no objection is received by me within said period of fifteen days it shall be presumed that you agree to the mutation entry.

Place :

Date :

Mamlatdar of

"FORM XII
[See Rule 11 (2)]

Notice

Whereas an entry has been made in the mutation register of Village Taluka regarding acquisition of rights in lands as specified below from the said village:

Serial number of Mutation entry	Nature of rights	Name of the field or survey number and sub-division number affected
------------------------------------	---------------------	--

And whereas it appears to me from the village record that you are interested in the said mutation entry.

Now, therefore, I, Mamlatdar-in-charge of the Taluka in which the aforesaid land is situated, hereby give a notice to you to remain present before me for placing your say about the said mutation entry or the dispute about it. Please also note that if you fail to remain present, it shall be presumed that you have nothing to say in the matter and the dispute about the mutation entry will be decided and the mutation entry certified in your absence.

Place :

Date :

Mamlatdar of



GOVERNMENT OF GOA
Directorate of Settlement and Land Records
PANAJI - GOA

FORM XV

(See Rule 14A)

Integrated Land Records Document

Plan showing plot situated at
Village :
Taluka :
Survey No./Sub-division No. :
Scale :-

Inspector of Survey &
Land Records

Extract from FORM I

Name of The Field :

Tenure:

Cultivable Area: Sq. mts.

Dry Crop :

Garden :

Rice :

Khajan :

Ker :

Morad :

Total Cultivable :

PLAN

Uncultivable Area (Pot-Kharab): Sq. mts.

Class (a)

Class (b)

Total Uncultivable:

Total Area :

Name of the Occupant :

Name of the Tenant :

Other Rights:

(Name of person holding rights and nature of rights)

End of Report

(Page 1 to 1)

Computer generated by: Compared by:
Date :

NOTE: In case of details in FORM I in respect of occupant/tenant/other rights are more in number, this FORM XV will be continued on further pages i.e. page 2, page 3 and so on till the end of report.

Department of Science & Technology

Notification

1/24/2010/STE-DIR/283

The following Notifications published in the Gazette of India are hereby published for general information of public:—

- (1) S.O. 1533 dated 14th September, 2006;
- (2) S.O. 1949(E) dated 13th November, 2006;
- (3) S.O. 1737(E) dated 11th October, 2007;
- (4) S.O. 3067(E) dated 1st December, 2010;
- (5) S.O. 50(E) dated 11th January, 2010;
- (6) The Noise Pollution (Regulation and Control) Rules, 2000; (as amended till 11-1-2010).

By order and in the name of the Governor of Goa.

Michael M. D'Souza, Director (STE) & ex officio Joint Secretary.

Saligao, 24th May, 2010.

MINISTRY OF ENVIRONMENT AND FORESTS

Notification*New Delhi, 14th September, 2006*

S. O. 1533.— Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or

Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

2. *Requirements of prior Environmental Clearance (EC).*— The following projects or activities shall require prior environmental clearance from the concerned regulatory

¹Includes the territorial waters

authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category "A" in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category "B" in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority.— (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member-Secretary to be nominated by the State Government or the Union territory Administration concerned.

(2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

(4) One of the specified Members in sub-paragraph (3) above who is an expert in the

Environmental Impact Assessment process shall be the Chairman of the SEIAA.

(5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub-paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities.— (i) All projects and activities are broadly categorized into two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification.

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub-paragraph (ii) of paragraph 2, or change in product mix as specified in sub-paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC)

stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project.

5. *Screening, Scoping and Appraisal Committees.*— The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall

provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. *Application for Prior Environmental Clearance (EC).*— An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, alongwith the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. *Stages in the Prior Environmental Clearance (EC) Process for New Projects.*—

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:—

- *Stage (1) Screening (Only for Category 'B' projects and activities)
- *Stage (2) Scoping
- *Stage (3) Public Consultation
- *Stage (4) Appraisal

I. *Stage (1) - Screening:*

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned

State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending upon the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State Level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub-group of Expert Appraisal Committee or State Level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level

Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/ Township/Commercial Complexes/Housing) shall not require Scoping and will be appraised on the basis of Form 1/Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities. If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:—

(a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

(b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.

(c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.

(d) all Building/Construction projects/ /Area Development projects and Townships (item 8).

(e) all Category 'B2' projects and activities.

(f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:—

(a) a public hearing at the site or in its close proximity-district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union Territory Pollution Control Committee concerned does not undertake

and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the website. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for

inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public

consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V;

7(ii) *Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects.—*

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product-mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall

be appraised accordingly for grant of environmental clearance.

8. *Grant or Rejection of Prior Environmental Clearance (EC).*— (i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the

regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. *Validity of Environmental Clearance (EC).*— The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. *Post Environmental Clearance Monitoring.*— (i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the website of the concerned regulatory authority.

11. *Transferability of Environmental Clearance (EC).*— A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. *Operation of EIA Notification, 1994, till disposal of pending cases.*— From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S. O. 60(E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]
(R. CHANDRAMOHAN)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

SCHEDULE

(See Paragraph 2 and 7)

List of Projects or Activities Requiring Prior Environmental Clearance

Project or Activity		Category with threshold limit		Conditions, if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	≥50 ha. of mining lease area Asbestos mining irrespective of mining area	<50 ha. ≥5 ha. of mining lease area	General condition shall apply <i>Note:</i> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<i>Note:</i> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River valley projects	(i) ≥50 MW hydroelectric power generation; (ii) ≥10,000 ha. of culturable command area;	(i) <50 MW ≥25 MW hydroelectric power generation; (ii) <10,000 ha. of culturable command area	General condition shall apply
1(d)	Thermal power plants	≥500 MW (coal/lignite/naphta & gas based); ≥50 MW (Pet coke diesel and all other fuels -)	<500 MW (coal/lignite/naphta & gas based); <50 MW ≥5 MW (Pet coke, diesel and all other fuels)	General condition shall apply
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		–

(1)	(2)	(3)	(4)	(5)
2	Primary Processing			
2(a)	Coal washeries	≥1 million ton/annum throughput of coal	<1 million ton/annum throughput of coal	General condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2(b)	Mineral beneficiation	≥0.1 million ton/annum mineral throughput	<0.1 million ton/annum mineral throughput	General condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)
3	Materials Production			
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥200TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units ≥20,000 tonnes/annum	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry (i) All toxic and heavy metal producing units <20,000 tonnes/annum (ii) All other non-toxic secondary metallurgical processing industries >5000 tonnes/annum	General condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥0.1 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General condition shall apply
4	Materials Processing			
4(a)	Petroleum refining industry	All projects	—	—
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	—

(1)	(2)	(3)	(4)	(5)
4(c)	Asbestos milling and asbestos based products	All projects	—	—
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash industry	All projects	—	—
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5 Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects	—	—
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	—	—
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects —	—	—
5(d)	Manmade fibres manufacturing	Rayon	Others	General condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located outside the notified industrial area/estate —	Located in a notified industrial area/estate	Specific condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations;	Located outside the notified industrial area/estate	Located in a notified industrial area/estate	Specific condition shall apply

(1)	(2)	(3)	(4)	(5)
	synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical interme- diates)			
5(g)	Distilleries	(i) All Molasses based distill- eries (ii) All Cane juice/non-molas- ses based distilleries ≥ 30 KLD	All Cane juice/non- -molasses based distilleries- <30 KLD	General condition shall apply
5(h)	Integrated paint industry	—	All projects	General condition shall apply
5(i)	Pulp & paper industry exclud- ing manufacturing of paper from waste paper and manufacture of paper from ready pulp without bleaching	Pulp manufacturing and pulp & paper manufacturing industry —	Paper manufactur- ing industry without pulp manufacturing	General condition shall apply
5(j)	Sugar Industry	—	≥ 5000 tcd cane crushing capacity	General condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	—	All projects	General condition shall apply

6**Service Sectors**

6(a)	Oil & gas transportation pipe line (crude and refinery/petro- chemical prod- ucts), passing through national parks/sanctuaries/ coral reefs/eco- logically sensitive areas including LNG Terminal	All projects —	—	—
6(b)	Isolated storage & handling of haz- ardous chemicals (As per threshold planning quantity indicated in col- umn 3 of schedule 2 & 3 of MSIHC Rules, 1989 amended 2000)	—	All projects	General condition shall apply

	(2)	(3)	(4)	(5)
7	Physical Infrastructure including Environmental Services			
7(a)	Air ports	All projects	—	—
7(b)	All ship breaking yards including ship breaking units	All projects	—	—
7(c)	Industrial estates/ /parks/complexes/ /areas, Export Processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area Industrial estates with area greater than 500 ha. and housing at least one Category B industry	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area >500 ha. and not housing any industry belonging to Category A or B	Special Condition shall apply <i>Note:</i> Industrial estate of area below 500 ha. and not housing any industry of Category A or B does not require clearance
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General condition shall apply
7(e)	Ports, Harbours	≥5 million TPA of cargo handling capacity (excluding fishing harbours)	<5million TPA of cargo handling capacity and/or ports/harbours ≥10,000 TPA of fish handling capacity	General condition shall apply
7(f)	Highways	(i) New National Highways; and (ii) Expansion of National Highways greater than 30 km, involving additional right of way greater than 20m involving land acquisition and passing through more than one State	(i) New State Highways; and (ii) Expansion of National/State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition	General condition shall apply
7(g)	Aerial ropeways		All projects	General condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General condition shall apply
8	Building/Construction projects/Area Development projects and Townships			
8(a)	Building and Construction projects		≥20,000 sq. mtrs. and <1,50,000 sq. mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥50 ha. and or built up area ≥1,50,000 sq. mtrs.++	++All projects under Item 8(b) shall be appraised as Category B1

Note:

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km. from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex/Export processing Zones/Special Economic Zones/Biotech Parks/Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre-defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates/complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

APPENDIX I

(See paragraph - 6)

FORM – 1

(I) Basic Information

Name of the Project:

Location/site alternatives under consideration:

Size of the Project:*

Expected cost of the project:

Contact Information:

Screening Category:

•Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.)

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports, etc.?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply)			
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material - stone, aggregates, and/soil (expected source - MT)		
2.5	Forests and timber (source - MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		
3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health			
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		
4. Production of solid wastes during construction or operation or decommissioning (MT/month)			
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		
5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)			
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6. Generation of Noise and Vibration and Emissions of Light and Heat			
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		
7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea			
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		
8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment			
8.1	From explosions, spillages, fires etc. from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc.)?		
9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality			
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:		
	*Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)		
	*housing development		
	*extractive industries		
	*supply industries		
	*other		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

S. No.	Areas	N a m e / /Identity	Aerial distance (within 15 km.) Pro- posed project location boundary
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(III) Environmental Sensitivity

- 1 Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value
- 2 Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests
- 3 Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration
- 4 Inland, coastal, marine or underground waters
- 5 State, National boundaries
- 6 Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas
- 7 Defence installations
- 8 Densely populated or built-up area
- 9 Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)
- 10 Areas containing important, high quality or scarce resources
(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)
- 11 Areas already subjected to pollution or environmental damage (those where existing legal environmental standards are exceeded)
- 12 Areas susceptible to natural hazard which could cause the project to present environmental problems
(earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)

(IV) Proposed Terms of Reference for EIA studies

APPENDIX II

(See paragraph 6)

Form — 1 A (only for construction projects listed under item 8 of the Schedule)

Check list of Environmental Impacts

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. Land Environment:—

(Attach panoramic view of the project site and the vicinity)

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings (Proposed landuse must conform to the approved Master Plan/Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc. may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site).

1.6. What are the quantities of earthwork involved in the construction activity—cutting, filling reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc. during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity).

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal).

2. Water Environment:—

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

2.2. What is the capacity (dependable flow or yield) of the proposed source of water?

2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality).

2.4. How much of the water requirement can be met from the recycling, of treated wastewater? (Give the details of quantities, sources and usage).

2.5. Will there be diversion of water from other users? (Please assess the impacts of the projects on other existing uses and quantities of consumption).

2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity).

2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?

2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground

water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any).

2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts).

2.11. How is the storm water from within the site managed? (State the provisions made to avoid flooding of the area, details of the drainage facilities provided alongwith a site layout indication contour levels).

2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation).

2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal).

2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. Vegetation:—

3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any).

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project).

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc. alongwith a layout plan to an appropriate scale).

4. Fauna:—

4.1. Is there likely to be any displacement of fauna—both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc., to mitigate adverse impacts on fauna.

5. Air Environment:—

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions).

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposed create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4 Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. Aesthetics:—

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. Socio-Economic Aspects:—

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. *Building Materials:*—

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency).

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. *Energy Conservation:*—

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R-values of the individual components.

9.10. What precaution & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. *Environment Management Plan:*—

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III

(See paragraph 7)

Generic Structure of Environmental Impact Assessment Document

S. No.	Eia Structure	Contents
1	2	3
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report. • Identification of project & project proponent. • Brief description of nature, size, location of the project and its importance to the country, region. • Scope of the study-details of regulatory scoping carried out (As per Terms of Reference).
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project. • Need for the project. • Location (maps showing general location, specific location, project boundary & project site layout). • Size or magnitude of operation (incl. Associated activities required by or for the project). • Proposed schedule for approval and implementation. • Technology and process description. • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings, which give information important for EIA purpose. • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope). • Assessment of New & untested technology for the risk of technological failure.
3.	Description of the Environment	<ul style="list-style-type: none"> • Study, area, period, components & methodology. • Establishment of baseline for valued environmental components, as identified in the scope. • Base maps of all environmental components.

1	2	3
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project. • Measures for minimizing and/or offsetting adverse impacts identified. • Irreversible and Irretrievable commitments of environmental components. • Assessment of significance of impacts (Criteria for determining significance, assigning significance). • Mitigation measures.
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives. • Description of each alternative. • Summary of adverse impacts of each alternative. • Mitigation measures proposed for each alternative and • Selection of alternative.
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules).
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation. • Risk assessment. • Social Impact Assessment. R & R Action Plans.
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure. • Improvements in the social infrastructure. • Employment potential-skilled; semi-skilled and unskilled. • Other tangible benefits.
9.	Environmental Cost Benefit Analysis	<ul style="list-style-type: none"> • If recommended at the Scoping stage.
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA.
11.	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project. • Explanation of how, adverse effects have been mitigated.
12.	Disclosure of consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered.

APPENDIX III A

(See paragraph 7)

Contents of Summary Environmental Impact Assessment

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report:—

1. Project Description.
2. Description of the Environment.
3. Anticipated Environmental impacts and mitigation measures.
4. Environmental Monitoring Programme.
5. Additional Studies.
6. Project Benefits.
7. Environment Management Plan.

APPENDIX IV

(See paragraph 7)

Procedure for Conduct of Public Hearing

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District-wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:—

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA

Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment Report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s.
- (b) Zila Parishad or Municipal Corporation.
- (c) District Industries Office.
- (d) Concerned Regional Office of the Ministry of Environment and Forests.

2.3 On receiving the draft Environmental Impact Assessment Report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment Report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz. Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:—

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7 (seven) days of the date of receipt of the draft Environmental Impact Assessment Report from the

project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30 (thirty) days shall be provided to the public for furnishing their responses.

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment Report and the Summary Environmental Impact Assessment Report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee.

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member-Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel:—

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography:—

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings:—

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA Report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings.

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchayats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing:—

7.1 The public hearing shall be completed within a period of 45 (forty-five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned alongwith the final Environmental Impact Assessment Report or Supplementary Report to the draft EIA Report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45 (forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX — V

(See paragraph 7)

Procedure Prescribed for Appraisal

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory:—

- Final Environment Impact Assessment Report [20 (twenty) hard copies and 1 (one) soft copy].
- A copy of the video tape or CD of the public hearing proceedings.
- A copy of final layout plan (20 copies).
- A copy of the project feasibility report (1 copy).

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC/SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received alongwith a copy of Form 1 or Form 1A scheduled date of the EAC/SEAC meeting for considering the proposal.

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance. As and when the applicant submits the approved scheme/building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC/SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC/SEAC and its appraisal completed within 60 days of its receipt with requisite documents/details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC/SEAC meeting for considering the project proposal.

6. The minutes of the EAC/SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

APPENDIX — VI

(See paragraph 5)

Composition of the sector/project specific Expert Appraisal Committee (EAC) for Category A projects and the State/UT Level Expert Appraisal Committees (SEACS) for Category B projects to be constituted by the Central Government

1. The Expert Appraisal Committees (EACs) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering/Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other Professional Degree (e.g. Law) involving a total of 5 years of formal University Training and prescribed practical training, or (iv) Prescribed apprenticeship/articleship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy) or (v) a University degree, followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph. D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of/paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years.

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields/disciplines. In the event that persons fulfilling the criteria of "Experts" are not available, Professionals in the same field with sufficient experience may be considered:

- *Environment Quality Experts*: Experts in measurement/monitoring, analysis and interpretation of data relation to environmental quality.

- *Sectoral Experts in Project Management*: Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.

- *Environmental Impact Assessment Process Experts*: Experts in conducting and carrying out Environmental Impact Assessment (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA.

- Risk Assessment Experts.

- Life Science Experts in floral and faunal management.

- Forestry and Wildlife Experts.

- Environmental Economics Expert with experience in project appraisal.

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman/Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three years) each.

8. The Chairman/Members may be removed prior to expiry of the tenure without cause and proper enquiry.

Corrigendum

New Delhi, the 13th November, 2006

S. O. 1949(E).— In the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1533(E) dated the 14th September, 2006, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 14th September, 2006 it pages 1 to 71:—

(i) in paragraph 7, in sub-paragraph (i), in clause III, in sub-clause (iii), for "45 (forty five)", read "(forty five days)";

(ii) in paragraph 12,—

(a) for "except in suppression of the things done or omitted to be done before such suppression", read "except in suppression of the things done or omitted to be done before such supersession";

(b) for "Schedule I", read "Schedule".

(iii) in column (3) and (4) of category I(d) of Schedule, for the words "naphta" and "naptha" read "naphtha".

(iv) in para 7, sub-para 7(i), clause IV; sub-clause (iii), for the words "an application be shall be" read "an application shall be".

(v) in General Conditions (GC) under Note of Schedule, for the words "Critically Polluted areas as notified by the CPCB" read as "Critically Polluted areas as identified by the CPCB".

[F No. J-11013/56/2004-IA-II(I)]
J. M. MAUSKAR, Jt. Secy.

Notification*New Delhi, the 11th October, 2007*

S. O. 1737(E).— Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S. O. 1533(E) dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on or from the dates of its publication, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process and or technology shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act in accordance with the procedure specified therein.

And whereas it has been decided to exempt the mineral prospecting and seismic surveys which are part of exploratory surveys from seeking environmental clearance as had been done in the past; to bring in more clarity to the eligibility criteria in the disciplines given for selection of Members of the State Environment Impact Assessment Authority and State Level Expert Appraisal Committee and for that purpose to issue suitable amendments in the said notification.

And whereas clause (a) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas sub-rule (4) of rule 5 of the said Environment (Protection) Rules provides that, notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3);

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, read with clause (d) of sub-rule (3) of rule 5 of the said Environment Protection Rules, the Central Government hereby makes the following amendments in the said notification, namely:—

In the said notification,—

(I) in para 3, for sub-paras (3) and (4), the following paras shall respectively be substituted, namely:—

“(3) The Chairman shall be an expert in terms of the eligibility criteria given in Appendix VI in one of the specified fields, with sufficient experience in environmental policy or management.

(4) The other Member shall be an expert fulfilling the eligibility criteria given in Appendix VI in one of the specified fields.”;

(II) in para 12, for the words “one year”, the words “twenty-four months” shall be substituted;

(III) in the SCHEDULE,—

(i) against item 1(a), for the entries in column 5, the following entries shall be substituted, namely:—

“General condition shall apply.

Note: Mineral prospecting is exempted provided the concession areas have got previous clearance for physical survey.”;

(ii) against item 1(b), for the entries in column 5, the following entries shall be substituted, namely:—

“Note:- Seismic surveys which are part of Exploration Surveys are exempted provided the concession areas have got previous clearance for physical survey.”;

(iii) against item 7(f),—

(a) in column (3), for the entries, the following entries shall be substituted, namely:—

“i) New National Highways; and

ii) Expansion of National Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.”;

(b) in column (4), for the entries, the following entries shall be substituted, namely:—

“i) New State Highways; and

ii) Expansion of State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.”;

(IV) in APPENDIX VI,—

(i) for para 2, the following para shall be substituted, namely:—

“2. The Members of the EAC shall be experts with the requisite expertise and experience in the following fields or disciplines. In the event that person fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- Environment Quality: Experts in measurement, monitoring, analysis and interpretation of data in relation to environmental quality.

- Sectoral Project Management: Experts in Project Management or Management of Process or Operations or Facilities in the relevant sectors.
 - Environmental Impact Assessment Process: Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management Plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process.
 - Risk Assessment.
 - Life Science (Floral and Faunal Management).
 - Forestry and Wildlife.
 - Environmental Economics with experience in project appraisal.
 - Public Administration or Management”;
- (ii) para 4 shall be omitted.

[F. No. J-11013/69/2006-IA. II(I)]

R. ANANDAKUMAR, Scientist 'G'

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S. O. 1533(E) dated the 14th September, 2006.

Notification

New Delhi, the 1st December, 2009

S. O. 3067(E).— Whereas, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of

1986), a draft notification for making certain amendments in the Environment Impact Assessment notification, 2006 issued vide No. S. O. 1533(E) dated the 14th September, 2006, was published under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, vide No. S. O. 195(E) dated the 19th January, 2009, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of 60 days from the date of publication of the said notification in the Gazette of India;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

In the said notification,—

(I) in para 3, for sub-para (7), the following shall be substituted, namely:—

“(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:

Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and a copy thereof sent to MoEF.”

(II) in para 4, in sub-para (iii), for the words and letters “In the absence of a duly constituted SEIAA or SEAC, a Category ‘B’ project shall be treated as a Category ‘A’ project”, the words and letters “In the absence of a duly constituted SEIAA or SEAC, a Category ‘B’ project shall be considered at the Central Level as a Category ‘B’ project” shall be substituted.

(III) in para 7(i), in sub-para III relating to Stage (3)-Public Consultation, in clause (i),—

(i) after item (c), the following item shall be inserted, namely:—

“(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;

(ii) for item (d), the following item shall be substituted, namely:—

“(d) All building or construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”.

(IV) in para 10 relating to Post Environmental Clearance Monitoring,—

(a) the existing sub-para (i) shall be renumbered as sub-para (ii) and before sub-para (ii) as so re-numbered, the following sub-para shall be inserted, namely:—

“(i) (a) In respect of Category ‘A’ projects, it shall be mandatory for the project proponent to make public the environmental clearance granted for their project alongwith the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.

(b) In respect of Category ‘B’ projects, irrespective of its clearance by MoEF/SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of MoEF website where it is displayed.

(c) The Ministry of Environment and Forests and the State/Union Territory

Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Government portal.

local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.”;

(d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of

(b) existing sub-para (ii) shall be renumbered as sub-para (iii).

(V) in the Schedule,—

(i) for item 1(a) and the entries relating thereto, the following item and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
“(a)	(i) Mining of minerals.	≥50 ha. of mining lease area in respect of non-coal mine lease. >150 ha. of mining lease area in respect of coal mine lease. Asbestos mining irrespective of mining area.	<50 ha. ≥5 ha. of mining lease area in respect of non-coal mine lease. ≤150 ha. ≥5 ha. of mining lease area in respect of coal mine lease.	General condition shall apply. <i>Note:</i> Mineral prospecting is exempted.”;
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks/ /sanctuaries/coral reefs, ecologically sensitive areas.	All projects.		

(ii) against item 1(c), for the entries in column (5), the following entries shall be substituted, namely:—

“General condition shall apply.

Note:- Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;

(iii) against item 1(d),—

(a) in column (3), for the entries, the following entries shall be substituted, namely:—

“≥ 500 MW (coal/lignite/naphtha and gas based);

≥ 50 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass);

≥20 MW (based on biomass or non hazardous municipal solid waste as fuel).”;

(b) in column (4), for the entries, the following entries shall be substituted, namely:—

“<500 MW (coal/lignite/naphtha and gas based);

<50 MW ≥ 5 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass);

<20 MW > 15 MW (based on biomass or non hazardous municipal solid waste as fuel).”;

(c) in column (5), for the entries, the following entries shall be substituted, namely:—

“General condition shall apply.

Note:-

(i) Power plants upto 15 MW, based on biomass and using auxiliary fuel such as coal/lignite/petroleum products upto 15% are exempt.

(ii) Power plants upto 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal/lignite/petroleum products upto 15% are exempt.

(iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.”;

(iv) against item 3(a), in column (5), for the entries, the following entries shall be substituted, namely:—

“General condition shall apply.

Note:-

(i) The recycling Industrial units registered under the HSM Rules, are exempted.

(ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance.

(iii) Plant/units other than power plants (given against entry No. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.”.

(v) against item 4(b), in column (5), for the entry, the following entry shall be substituted, namely:—

“General conditions shall apply.”;

(vi) against item 4(d),—

(a) in column (4), for the entry, the following entry shall be substituted, namely:—

“(i) All projects irrespective of the size, if it is located in a Notified Industrial Area/Estate.

(ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/Estate.”;

(b) in column (5), for the entry, the following entry shall be substituted, namely:—

“General as well as specific conditions shall apply.

No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempt from the notification.”;

(vii) against item 4(f), in column (5), for the entry, the following entry shall be substituted, namely:—

“General as well as specific conditions shall apply.”;

(viii) against item 5(a),—

(a) in column (3), for the existing entry, the following entry shall be substituted, namely:—

“All projects except Single Super Phosphate.”;

(b) in column (4), for the entry, the following entry shall be substituted, namely:—

“Single Super Phosphate.”;

(ix) against item 5(e), in column (5), for the existing entry, the following entry shall be substituted, namely:—

“General as well as specific conditions shall apply.”;

(x) against item 5(f), in column (5), for the existing entry, the following entry shall be substituted, namely:—

“General and specific conditions shall apply.”;

(xi) item 5(k) and the entries relating thereto shall be omitted;

(xii) against item 7(a),—

(a) in column (3), for the entry, the following entry shall be substituted, namely:—

“All projects including airstrips, which are for commercial use.”;

(b) in column (5), for the entry, the following entry shall be substituted, namely:—

Note:-

Air strips, which do not involve bunkering/refueling facility and or Air Traffic Control, are exempted.”;

(xiii) against item 7(c), in column (5), for the entry, the following entry shall be substituted, namely:—

“General as well as specific conditions shall apply.

Note:-

1. Industrial Estate of area below 500 ha. and not housing any industry of Category ‘A’ or ‘B’ does not require clearance.

2. If the area is less than 500 ha. but contains building and construction projects > 20,000 sq. mtrs. and or development area more than 50 ha. it will be treated as activity listed at serial No. 8(a) or 8(b) in the Schedule, as the case may be.”;

(xiv) against item 7(e),—

(a) in column (2), for the entry, the following entry shall be substituted, namely:—

“Ports, harbours, break waters, dredging.”

(b) in column (5), for the entry, the following entry shall be substituted, namely:—

“General condition shall apply.

Note:-

1. Capital dredging inside and outside the ports or harbours and channels are included;

2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained.”;

(xv) against item 7(f),—

(a) in column (4), for the entry, the following entry shall be substituted, namely:—

“(i) All State Highway Projects; and

(ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas.”;

(b) in column (5), for the existing entry, the following entry shall be substituted, namely:—

“General condition shall apply.

Note:-

Highways include expressways.”;

(xvi) against item 7(g),—

(a) in column (3), for the entry, the following entry shall be substituted, namely:—

“(i) All projects located at altitude of 1,000 mtr. and above.

(ii) All projects located in notified ecologically sensitive areas.”;

(b) in column (4), for the entry, the following entry shall be substituted, namely:—

“All projects except those covered in column (3).”;

(xvii) after the Schedule, in the 'Note', for sub-heading relating to 'General Condition (GC)', the following shall be substituted, namely:—

"General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category 'A', if located in whole or in part within 10 km from the boundary of: (i) Protected areas notified under the Wildlife (Protection) Act, 1972; (ii) Critically polluted areas as identified by the Central Pollution Control Board from time to time; (iii) Eco-sensitive areas as notified under section 3 of

the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

Provided that the requirement regarding distance of 10 km of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or U. Ts sharing the common boundary in case the activity does not fall within 10 kilometres of the areas mentioned at item (i), (ii) and (iii) above."

(VI) in the Appendix I, in Form I,—

(a) for item (I) relating to the Basic Information, the following shall be substituted, namely:—

"(I) Basic Information:—

Serial Number	Item	Details
1	2	3
1.	Name of the project/s	
2.	S. No. in the schedule	
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	
4.	New/Expansion/Modernization	
5.	Existing capacity/area etc.	
6.	Category of Project i.e. 'A' or 'B'	
7.	Does it attract the general condition? If yes, please specify	
8.	Does it attract the specific condition? If yes, please specify	
9.	Location Plot/Survey/Khasra No. Village Tehsil District State	
10.	Nearest railway station/airport alongwith distance in kms.	
11.	Nearest Town, City, District Headquarters alongwith distance in kms.	

1	2	3
12.	Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal addresses with telephone Nos. to be given)	
13.	Name of the applicant	
14.	Registered Address	
15.	Address for correspondence: Name Designation (Owner/Partner/CEO) Address Pin Code E-mail Telephone No. Fax No.	
16.	Details of alternative sites examined, if any. Location of these sites should be shown on a topo sheet	Village-District-State 1. 2. 3. ";
17.	Interlinked Projects	
18.	Whether separate application of interlinked project has been submitted?	
19.	If yes, date of submission	
20.	If no, reason	
21.	Whether the proposal involves approval/clearance under: If yes, details of the same and their status to be given (a) The Forest (Conservation) Act, 1980? (b) The Wildlife (Protection) Act, 1972? (c) The C. R. Z. Notification, 1991?	
22.	Whether there is any Government Order/Policy relevant/relating to the site?	
23.	Forest land involved (hectares)	
24.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders/directions of the Court, if any and its relevance with the proposed project.	

(b) the following shall be inserted at the end, namely:—

"I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.

Date:

Place:

Signature of the applicant
With name and full address
(Project Proponent/
/Authorised Signatory)

Note:-

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C. R. Z. map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C. R. Z. (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C. R. Z. Notification, 1991 for the activities to be located in the C. R. Z.

2. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-a-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)."

3. All correspondence with the Ministry of Environment & Forests including submission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project."

(VII) for Appendix IV, the following shall be substituted, namely:—

"Appendix IV

(See paragraph 7)

Procedure for conduct of public hearing

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District-wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:—

2.1 The applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is covering more than one District or State or Union Territory, the public hearing is mandated in each District, State or Union Territory in which the project is located and the applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment Report in English and **in the official language of the State/local language,**

prepared strictly in accordance with the Terms of Reference communicated after scoping (Stage - 2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report alongwith the Summary EIA Report to the following authorities or offices, within whose jurisdiction the project will be located:

(a) District Magistrate/**District Collector/Deputy Commissioner/s**;

(b) Zila Parishad or Municipal Corporation **or Panchayats Union**;

(c) District Industries Office;

(d) Urban Local Bodies (ULBs)/PRIs Concerned/**Development authorities**;

(e) Concerned Regional Office of the Ministry of Environment and Forests.

2.3 On receiving the draft Environmental Impact Assessment Report, the above-mentioned authorities except the Regional Office of MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the public hearing is over.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment Report (Appendix III A) for inspection in select offices or public libraries or any other suitable location etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment Report to the above five authorities/offices as given in para 2.2.

3.0 Notice of Public Hearing:—

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7 (seven) days of the date of receipt of the draft Environmental Impact Assessment Report from the project proponent, and advertise the same in one major National Daily and one Regional Vernacular

Daily/Official State Language. A minimum notice period of 30 (thirty) days shall be provided to the public furnishing their responses.

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment Report and the Summary Environmental Impact Assessment Report before the public hearing. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement/announcement on radio/television.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and then only on the recommendation of the concerned District Magistrate/District Collector/Deputy Commissioner, the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee.

3.4 In the above exceptional circumstances, fresh date, time and venue for the public consultation shall be decided by the Member-Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate/**District Collector/Deputy Commissioner** and notified afresh as per procedure under 3.1 above.

4.0 Supervision and Presiding over the Hearing:—

4.1 The District Magistrate/District Collector/Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography:—

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings:—

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA Report.

6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the **local/vernacular language** and the agreed minutes shall be signed by the District Magistrate/**District Collector/Deputy Commissioner** or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A statement of the issues raised by the public and the comments of the applicant shall also be prepared in the local language or the Official State language, as the case may be, and in English and annexed to the proceedings.

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchayats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate/**District Collector/Deputy Commissioner**, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings, may be sent directly to the concerned regulatory authorities and the applicant concerned.

7.0 Time period for completion of public hearing:—

7.1 The public hearing shall be completed within a period of forty-five days from date of receipt of the request letter from the applicant. Thereafter the SPCB or UTPCC concerned shall sent the public

hearing proceedings to the concerned regulatory authority within eight days of the completion of the public hearing. **Simultaneously, a copy will also be provided to the project proponent.** The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned alongwith the final Environmental Impact Assessment Report or Supplementary Report to the draft EIA Report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing alongwith action plan and financial allocation, item-wise, to address those concerns."

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45 (forty-five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this Notification."

(VIII) in Appendix V, for para 3, the following para shall be substituted, namely:—

"3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA Report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance."

[No. J-11013/56/2004-IA. II(I)]

G. K. PANDEY, Advisor

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide Notification No. S.O. 1533(E) dated the 14th September, 2006 and amended vide S.O. 1737(E) dated the 11th October, 2007.

The Noise Pollution (Regulation and Control) Rules, 2000

[As amended till 11-01-2010 vide S. O. 50(E)]

S.O. 123 (E).— Whereas the increasing ambient noise levels in public places from various sources, inter-alia, industrial activity, construction activity (*fire crackers, sound producing instruments*)¹, generator sets, loud speakers, public address systems, music systems, vehicular horns and other mechanical devices have deleterious effects on human health and the psychological well being of the people, it is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining the ambient air quality standards in respect of noise;

Whereas a draft of Noise Pollution (Control and Regulation) Rules, 1999 was published under the notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 528 (E) dated the 28th June, 1999 inviting objections and suggestions from all the persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

And whereas copies of the said Gazette were made available to the public on the 1st day of July, 1999;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now therefore, in exercise of the powers conferred by clause (ii) of sub-section (2) of section 3, sub-section (1) and clause (b) of

sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules for the regulation and control of noise producing and generating sources, namely:—

The Noise Pollution (Regulation and Control) Rules, 2000.

1. *Short title and commencement.*— (1) These rules may be called the Noise Pollution (Regulation and Control) Rules, 2000.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “area/zone” means all areas which fall in either of the four categories given in the Schedule annexed to these rules;

[(c) “authority” means and includes any authority or officer authorised by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force;]²

2. In rule 2 for clause “(c) “authority” means any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force;” has been substituted with a new clause as at (2) above vide S.O. 1046 (E) dated 22-11-2000.

1. In the said rules, in the opening para/portion after the words “construction activity” additional words as at (1) above have been inserted vide S. O. 50 dated 11-01-2010.

[(d) "court" means a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice and includes any court of law presided over by a judge, judges or a magistrate and acting as a tribunal in civil, taxation and criminal cases;

(e) "educational institution" means a school, seminary, college, university, professional academies, training institutes or other educational establishment, not necessarily a chartered institution and includes not only buildings, but also all grounds necessary for the accomplishment of the full scope of educational instruction, including those things essential to mental, moral and physical development;

(f) "hospital" means an institution for the reception and care of sick, wounded, infirm or aged persons, and includes government or private hospitals, nursing homes and clinics;]³

[(g) "person" shall include any company or association or body of individuals, whether incorporated or not;]⁴

(h) "State Government" in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution.

[(i) "public place" means any place to which the public have access, whether as of right or not, and includes auditorium, hotels, public waiting rooms, convention centres, public offices, shopping malls, cinema halls, educational institutions, libraries, open grounds and the like which are visited by general public; and

3. In rule 2, after clause (c) new clause (d), (e) & (f) have been inserted as at (3) above vide S.O.1046 dated 22-11-2000.

4. In rule 2, clause (d) & (e) have been re-numbered as clauses (g) and (h) respectively and for (g) as so renumbered "(g) "person" in relation to any factory or premises means a person or occupier or his agent, who has control over the affairs of the factory or premises;" has been substituted as at (4) above vide S. O. 1046 (E) dated 22-11-2000.

(j) "night time" means the period between 10.00 p.m. and 6.00 a.m.]"⁶

3. Ambient air quality standards in respect of noise for different areas/zones.—

(1) The ambient air quality standards in respect of noise for different areas/zones shall be such as specified in the Schedule annexed to these rules.

(2) The State Government (shall categorize)⁵ the areas into industrial, commercial, residential or silence areas/ /zones for the purpose of implementation of noise standards for different areas.

(3) The State Government shall take measures for abatement of noise including noise emanating from vehicular movements, *(blowing of horns, bursting of sound emitting fire crackers, use of loud speakers or public address system and sound producing instruments)*⁹ and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.

(4) All development authorities, local bodies and other concerned authorities while planning developmental activity or carrying out functions relating to town and country planning shall take into consideration all aspects of noise pollution as a parameter of quality of life to avoid noise menace and to achieve the objective of maintaining the ambient air quality standards in respect of noise.

(5) An area comprising not less than 100 metres around hospitals, educational institutions and courts may be declared as

5. In sub-rule (2) of rule 3 of the said rules, for the words "may categorize", the words "shall categorize" has been substituted as at (5) above vide S.O. 1046 dated 22-11-2000.

6. In the said rules, in rule 2, after clause (h), the following clauses (i) & (j) have been inserted as at (6) above vide S.O. 50 dated 11-01-2010.

9. In the said rules, in rule 3, in sub-rule (3) after the words "noise emanating from vehicular movements, the additional words as at (9) above have been inserted vide S.O. 50 dated 11-01-2010.

silence area/zone for the purpose of these rules.

4. *Responsibility as to enforcement of noise pollution control measures.*— (1) The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule.

(2) The authority shall be responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

[(3) The respective State Pollution Control Boards or Pollution Control Committees in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.]⁸

5. *Restrictions on the use of loud speakers/ public address system (and sound producing instruments).*¹⁰ (1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

[(2) A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls or during a public emergency.]¹¹

[(3) Notwithstanding anything contained in sub-rule (2), the State Government may subject to such items and conditions as are necessary to reduce noise pollution permit

8. In rule 4 after sub-rule (2) new sub-rule (3) has been inserted as at (8) above vide S.O. 1569 (E) dated 19-09-2006.

10. In rule 5, for heading after the words “public address system” new words has been inserted as at (10) vide S.O. 50 dated 11-01-2010.

11. In rule 5, sub-rule (2) has been substituted by new sub-rule as at (11) above vide S.O. 50 dated 11-01-2010.

use of loudspeakers or (*public address system and the like during night hours*)¹² (between 10.00 p.m. to 12.00 midnight) on or during any cultural or religious festive occasion of a limited duration not exceeding fifteen days in all during a calendar year.]⁷ (*The concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption would be operative.*)¹³

[(4) The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A) whichever is lower;

(5) The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5dB (A) the ambient noise standards specified for the area on which it is used.]¹⁴

[5A. *Restrictions on the use of hours, sound emitting construction equipments and bursting of fire crackers.*—

(1) No horn shall be used in silence zones or during night time in residential areas except during a public emergency.

(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.

7. In rule 5 after sub-rule (2) new rule 3 has been inserted as at (7) above vide S.O. 1088 (E) dated 11-10-2002.

12. In rule 5, in sub-rule (3) for the words “public address systems during night hours” has been substituted by new words as at (12) above vide S.O. 50 dated 11-01-2010.

13. In rule 5, in sub-rule (3) after the words “a limited duration..... a calendar year” new sentence has been added as at (13) above vide S.O. 50 dated 11-01-2010.

14. In rule 5, after sub-rule (3) new sub-rules (4) & (5) have been inserted as at (14) above vide S.O. 50 dated 11-01-2010.

(3) *Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones.*¹⁵

6. *Consequences of any violation in silence zone/area.*— Whoever, in any place covered under the silence zone/area commits any of the following offence, he shall be liable for penalty under the provisions of the Act:

(i) whoever, plays any music or uses any sound amplifiers,

(ii) whoever, beats a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument, or

(iii) whoever, exhibits any mimetic, musical or other performances of a nature to attract crowds.

[(iv) whoever, bursts sound emitting fire crackers; or

*(v) whoever, uses a loud speaker or a public address system.]*¹⁶

7. *Complaints to be made to the authority.*— (1) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone (or, if there is a violation of any provision of these rules regarding restrictions imposed during night time,)¹⁷ make a complaint to the authority.

(2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these

15. In the said rules, after rule 5, new rule 5A has been inserted as at (15) above vide S.O. 50 dated 11-01-2010.

16. In the said rules, in rule 6, after the clause (iii) new clauses (iv) & (v), as at (16) above have been inserted vide S.O. 50 dated 11-01-2010.

17. In the said rules, in rule 7 in sub-rule (1), after the words "in corresponding columns & ending with area/zone", new sentence as at (17) above has been inserted vide S.O. 50 dated 11-01-2010.

rules and any other law in force.

8. *Power to prohibit etc. continuance of music sound or noise.*— (1) If the authority is satisfied from the report of an officer-in-charge of a police station or other information received by him (including from the complainant)¹⁸ that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property on the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating:

(a) the incidence or continuance in or upon any premises of—

(i) any vocal or instrumental music,

(ii) sounds caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument including loudspeakers (*public address systems, horn, construction equipment, appliance or apparatus*)²⁰ or contrivance which is capable of producing or re-producing sound, or

*[(iii) sound caused by bursting of sound emitting fire crackers, or]*²¹

(b) the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

(2) The authority empowered under sub-

18. In rule 8, in sub-rule (1) after the words "received by him" the words "including from the complainant" has been inserted as at (18) above vide S.O. 1569 (E) dated 19-09-2006.

20. In the said rules, in rule 8, in sub-rule (1), in clause (a) in sub-clause (ii), for the words, "public address systems, appliance or apparatus" new words have been substituted as at (20) above vide S.O. 50 dated 11-01-2010.

21. In the said rules, in rule 8, in sub-rule (1), in clause (a) after sub-clause (ii) new sub-clause (iii) as at (21) above has been inserted vide S.O. 50 dated 11-01-2010.

-rule (1) may, either on its own motion, or on the application of any person aggrieved by an order made under sub-rule (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the said authority shall afford to the applicant (and to the original complainant, as the case may be)¹⁹ an opportunity of appearing before it either in person or by a person representing him and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

SCHEDULE

[See rule 3(1) and 4(1)]

Ambient Air Quality Standards in respect of Noise

Area Code	Category of Area/Zone	Limits in dB(A) Leq*	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Note:—

1. Day time shall mean from 6.00 a.m. to 10.00 p.m.

2. Night time shall mean from 10.00 p.m. to 6.00 a.m.

[3. Silence zone is an area comprising not less than 100 metres around hospitals, educational institutions and courts, religious places or any other area which is declared as such by the competent authority.]²²

4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

*dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

A “decibel” is a unit in which noise is measured.

“A”, in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq: It is an energy mean of the noise level, over a specified period.

19. In rule 8, in sub-rule (2) in the proviso, after the words “afford to the applicant”, the words “and to the original complainant, as the case may be”, has been inserted as at (19) above vide S.O. 1569 (E) dated 19-09-2006.

22. In the schedule to the said rules, for the note 3 and the entries thereto, “Silence zone is defined as an area comprising not less than 100 metres around hospitals, educational institutions and courts. The silence zones are zones which are declared as such by the competent authority.” has been substituted as at (22) above vide S. O. 1046 (E) dated 22-11-2000.

Note: The Principal rules were published in the Gazette of India vide Notification number S. O. 123(E) dated 14th February, 2000 and subsequently amended vide

(1) S. O. 1046(E) dated 22-11-2000.

(2) S. O. 1088(E) dated 11-10-2002.

(3) S. O. 1569(E) dated 19-9-2006.

(4) S. O. 50(E) dated 11-1-2010.

Notification

New Delhi, the 11th January, 2010

S.O. 50(E).— Whereas, the Central Government has notified the Noise Pollution (Regulation and Control) Rules, 2000 vide notification number S. O. 123(E) dated the 14th February, 2000, which has been amended vide S. O. 1046(E) dated the 22nd November, 2000, S. O. 1088(E) dated the 11th October, 2002 and S. O. 1569(E) dated the 19th September, 2006;

And, whereas, the Central Government had received representations from Non-Government Organisations and individuals requesting for certain amendments in view of various difficulties being faced in the society due to noise pollution;

And, whereas, the Central Government in exercise of the powers conferred by sub-

-section (2) of section 3 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 5 of the Environment (Protection) Rules, 1986, further to amend the Noise Pollution (Regulation and Control) Rules, 2000 published the draft rules in the Gazette of India, Extraordinary, vide G.S.R. 158(E) dated the 9th March, 2009 for the information of all persons likely to be affected thereby and notice was given that the said draft rules would be taken into consideration by the Central Government on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public;

And, whereas, the copies of the said Gazette Notification were made available to the public on the 27th March, 2009;

And, whereas, objections and suggestions received in response to the above mentioned draft rules have been duly considered by the Central Government.

Now, therefore, in exercise of the powers conferred by clause (ii) of sub-section (2) of section 3, sub-section (1) and clause (b) of sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules, further to amend the Noise Pollution (Regulation and Control) Rules, 2000, namely:—

The Noise Pollution (Regulation and Control) (Amendment) Rules, 2010.—

1. (1) These rules may be called the Noise Pollution (Regulation and Control) (Amendment) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter referred to

as the said rules), in the opening portion, after the words “construction activity”, the words “fire crackers, sound producing instruments” shall be inserted.

3. In the said rules, in rule 2, after clause (h), the following clauses shall be inserted, namely:—

“(i) “public place” means any place to which the public have access, whether as of right or not and includes auditorium, hotels, public waiting rooms, convention centres, public offices, shopping malls, cinema halls, educational institutions, libraries, open grounds and the like which are visited by general public; and

(j) “night time” means the period between 10.00 p. m. and 6.00 a.m.”.

4. In the said rules, in rule 3, in sub-rule (3), after the words “noise emanating from vehicular movements”, the words “blowing of horns, bursting of sound emitting fire crackers, use of loud speakers or public address system and sound producing instruments” shall be inserted.

5. In the said rules, in rule 5,—

(i) In the heading, after the words “PUBLIC ADDRESS SYSTEM”, the words “AND SOUND PRODUCING INSTRUMENTS” shall be inserted;

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.”;

(iii) In sub-rule (3),—

(a) for the words “public address systems during night hours”, the words “public address system and the like

during nights hours" shall be substituted;

(b) after the words "a limited duration not exceeding fifteen days in all during a calendar year.", the words "The concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption would be operative." shall be inserted;

(iv) after sub-rule 3, as so amended, the following sub-rules shall be inserted, namely:—

"(4) The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower;

(5) The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB(A) the ambient noise standards specified for the area in which it is used."

6. In the said rules, after rule 5, the following shall be inserted, namely:—

"5A. RESTRICTIONS ON THE USE OF HORNS, SOUND EMITTING CONSTRUCTION EQUIPMENTS AND BURSTING OF FIRE CRACKERS.— (1) No horn shall be used in silence zones or during night time in residential areas except during a public emergency.

(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.

(3) Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones."

7. In the said rules, in rule 6, after the clause (iii), the following clauses shall be inserted, namely:—

"(iv) whoever, bursts sound emitting fire crackers; or

(v) whoever, uses a loud speaker or a public address system."

8. In the said rules, in rule 7, in sub-rule (1), after the words "in the corresponding columns against any area/zone" the words "or, if there is a violation of any provision of these rules regarding restrictions imposed during night time" shall be inserted.

9. In the said rules, in rule 8, in sub-rule (1), in clause (a),—

(i) in sub-clause (ii), for the words, "public address systems, appliance or apparatus" the words "public address systems, horn, construction equipment, appliance or apparatus" shall be substituted;

(ii) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

"(iii) sound caused by bursting of sound emitting fire crackers, or,".

[F. No. Q-15022/02/08-CPA]
RAJNEESH DUBE, Jt. Secy.

Note: The principal rules were published in the Gazette of India vide number S.O. 123(E) dated 14th February, 2000 and subsequently amended vide S. O. 1046(E) dated the 22nd November, 2000, S. O. 1088(E) dated the 11th October, 2002 and S. O. 1569(E) dated the 19th September, 2006.

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